



**U.S. Department of Justice**

United States Marshals Service

*Office of General Counsel*

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*CG-3, 15<sup>th</sup> Floor  
Washington, DC 20530-0001*

August 19, 2019

Emma Best  
74141-80015598@requests.muckrock.com

**Re: Freedom of Information Act Request No. 2019USMS34152**  
**Subject: Nicholas J. Bua**

Dear Requester:

The United States Marshals Service (USMS) is responding to a referral from the Federal Bureau of Investigation (FBI) request submitted on May 21, 2019, case number FBI FOI/PA # 1396365-000 for records pertaining to Nicholas J. Bua.

The USMS received seven (7) pages to be reviewed and redacted from FBI which are included with this letter. After carefully reviewing the information, we determined that portions of the information should be withheld pursuant to exemptions (b)(6) and (b)(7)(C) of the Freedom of Information Act, 5 U.S.C. § 552.

Exemption (b)(6) concerns the withholding of information in personnel, medical and similar files the release of which would constitute a clearly unwarranted invasion of personal privacy of third parties. Exemption (b)(7)(C) concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties.

Please note, the FOIA does not require federal agencies to answer questions or create records in response to a FOIA request or to conduct unreasonable burdensome searches for responsive records, should they exist. Instead, FOIA is limited to requiring agencies to provide access to reasonably described, nonexempt records. As such, multiple items in your request were not addressed as they would require the USMS to conduct an unreasonably burdensome search, respond to questions or create records to respond to your request.

If the records provided to you in response to this request do not sufficiently respond to your inquiry we invite you make a less burdensome request by providing a reasonable description of the records sought. Please note, the USMS maintains files on individuals for whom federal warrants have been issued; records on prisoners in custody of the USMS; records related to threats to and the protection of government witnesses, U.S. Attorneys and their

assistants, federal jurists, and other court officials; records on process served and executed in federal court proceedings; and records on seized and forfeited property and evidence. It also maintains records pertaining to the administration of the Service, including official personnel files for its employees. The USMS does not maintain court records. For documents that would be filed in a court record, you must contact the court in which the case was adjudicated.

If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

You may also contact Charlotte Luckstone or our FOIA Public Liaison at (703) 740-3946 for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Sincerely,

A handwritten signature in black ink, appearing to be 'CL' followed by a stylized flourish.

Charlotte Luckstone  
Associate General Counsel  
FOIA/PA Officer  
Office of General Counsel